

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|--------------------------|---|----------------------------|
| -----X | : | |
| | : | |
| UNITED STATES OF AMERICA | : | |
| | : | |
| v. | : | |
| | : | Case No. 1:08-CR-00366-RLC |
| JAMES TREACY, | : | |
| | : | |
| Defendant. | : | |
| -----X | : | |

**DEFENDANT JAMES TREACY'S MOTION TO COMPEL
THE GOVERNMENT TO ELECT BETWEEN COUNT ONE
AND COUNT TWO BECAUSE OF MULTIPLICITY**

Defendant James Treacy, through counsel, hereby moves this Court, pursuant to Fed. R. Crim. P. 12(b)(2), to compel the government to elect between Count One and Count Two of the Indictment because the counts are multiplicitous.

Respectfully submitted,



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Dated: June 30, 2008